

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

CITY OF WILMINGTON,

Charging Party,

v.

FRATERNAL ORDER OF POLICE, LODGE 1,

Respondent.

U.L.P. No. 99-12-273

ORDER OF DISMISSAL

1. The City of Wilmington ("City") is a public employer within the meaning of §1602(1) of Police Officers and Firefighters Employment Relations Act, 19 Del.C. Chapter 16 (1986, "POFERA").

2. Fraternal Order of Police, Lodge 1, is an employee organization within the meaning of 19 Del.C. §1602(f). FOP Lodge 1 is the exclusive bargaining representative, within the meaning of 19 Del.C. §1602(g), of all City of Wilmington Police Officers at or below the rank of Lieutenant.

3. On December 10, 1999, FOP Lodge 1 filed an unfair labor practice charge alleging the City of Wilmington had violated 19 Del.C. §1607(a)(1), and (a)(5), by failing to negotiate a change to the policy allowing Police Captains and Inspectors to drive departmental issued vehicles home.

4. By letter dated December 20, 1999, PERB was advised by the City of Wilmington the parties had agreed to stay the processing of the unfair labor practice charge until a related grievance arbitration was resolved.

5. On January 12, 2001, the Public Employment Relations Board was provided with a copy of the arbitration decisions issued on November 15, 2000, wherein Arbitrator Davis held the City had breached the contractual maintenance of standards clause by unilaterally announcing Captains and Inspectors would no longer be able to use departmental vehicles to travel to and from work if they lived out of state.

6. The binding decision of the arbitrator resolves the underlying issue of this unfair labor practice charge.

WHEREFORE, this Charge is hereby dismissed without prejudice.

IT IS SO ORDERED.

D. Murray Sheppard

DEBORAH L. MURRAY-SHEPPARD
Principal Assistant/ Hearing Officer
Del. Public Employment Relations Bd.

Issued: 23 January 2001